

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 9, 1991
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:42 a.m.
The meeting was recessed by Mayor O'Connor at 10:58 a.m. to
reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:02 p.m. with no
quorum present. A quorum was present at 2:13 p.m. with Council
Members Roberts, McCarty and Filner not present. Deputy Mayor
Filner adjourned the meeting at 4:51 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-present
- Clerk-Abdelnour (mp;ll)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present

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- (2) Council Member Roberts-present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-present
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-not present

ITEM-113: (R-91-2264) RETURNED TO CITY MANAGER

Waiving the "Agency Employment of City Staff" clause in the case of the employment of Joseph Alan Francisco, Senior Civil Engineer, by Willdan Associates, who currently have a consultant agreement with the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego entered into an Assessment Engineering Consultant Agreement with Willdan Associates (San Diego office) in September of 1990. This agreement was one of eight consultant agreements entered into at that time dealing with the establishment of a Mello-Roos Community Facilities District in the Miramar Ranch North community, pursuant to a previous agreement approved by Council.

The agreement states, in accordance with Council Policy 300-11, that the City may unilaterally and immediately terminate the agreement if the consultant employs an individual who, within a 12-month period, participated in the negotiations. The compensation allocated in the agreement to Willdan was \$73,500, of which \$50,000 has been paid to date. Joseph A. Francisco, a Senior Civil Engineer with 12 years of City service, has indicated he would like to work for Willdan Associates (Anaheim office). He is, however, concerned with the Agency Employment clause because in September of 1990, he negotiated the agreement with Willdan Associates. However, neither Mr. Francisco nor Willdan Associates approached the other regarding the employment by Willdan Associates until approximately one month ago. If the City were to terminate the agreement with Willdan Associates, it would be necessary to select a replacement consultant and re-coordinate the efforts of the various consultants (seven other consultants) involved in the formation of Community Facilities District #1 (Miramar Ranch North). Given the importance of completing the issuance of the Mello-Roos bonds for Community Facilities District #1 (Miramar Ranch North), and the relatively low amount of the compensation remaining to be paid to Willdan Associates (\$23,500), it is recommended that the City not terminate the agreement with Willdan Associates due to the employment of Joseph A. Francisco.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A100-103.)

MOTION BY WOLFSHEIMER TO RETURN THE MATTER TO THE CITY MANAGER AT THE CITY MANAGER'S REQUEST. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-310: COMMENDED

Commending the San Diego Fire Department Metro Arson Strike Team for their promptness in solving the Bay Park church fires.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A057-099.)

Commendation presented by Council Member Henderson.

ITEM-311: DID NOT SHOW

Welcoming a group of approximately 20 foreign military officers from the Navy's Fleet Intelligence Training Center, accompanied by Lt. Joan Fallon. This group will arrive at approximately 10:30 a.m.

(District-2.)

FILE LOCATION: AGENDA

ITEM-312: ACCEPTED BY MAYOR O'CONNOR

In the matter of the presentation of a "Best-Run Cities" award to the Mayor and City Council from Mark Meagher, representing Financial World Magazine.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A016-050.)

ITEM-330: (R-91-1966) ADOPTED AS RESOLUTION R-278281

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Newport Avenue Landscape Maintenance District.

(Ocean Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Newport Avenue Landscape Maintenance District. The district provides maintenance to sidewalk landscaping, decorative sidewalk and planters. The Fiscal Year 1992 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$12,915
Personnel	6,735
Utilities	950
Incidentals	6,750*
Total Expenses	\$27,350
Reserve	1,000
Total	\$28,350
Less Carry-over & Interest	3,000
Less City Contribution	0
Assessed to District	\$25,350

*Includes Assessment District Management Fee of \$1,559.

The proposed unit assessment for Fiscal Year 1992 is \$7.40 per frontage foot as compared to \$6.25 for Fiscal Year 1991. The increase in the assessments reflect the cost of a new high water pressure sidewalk cleaning contract as part of the contractual maintenance.

FILE LOCATION: STRT M-237

COUNCIL ACTION: (Tape location: A105-125.)

Hearing began at 10:51 a.m. and halted at 10:52 a.m.

MOTION BY ROBERTS TO ADOPT ITEMS-330 THROUGH -335 AND S500, AMENDING ITEM-333 TO MODIFY PARAGRAPH 3 OF THE ENGINEER'S REPORT TO REFLECT A TOTAL ASSESSMENT OF \$64,226.00 INSTEAD OF \$73,006.00. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-331: (R-91-1944) ADOPTED AS RESOLUTION R-278282

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Rancho Bernardo Landscape Maintenance District.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Rancho Bernardo Landscape Maintenance District. The district provides maintenance of landscaped and paved street medians and streetscapes. The Fiscal Year 1992 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 85,000
Personnel	11,225
Utilities	25,000
Incidentals	25,961*
Total Expenses	\$147,186
Reserve	80,753
Total	\$227,939
Less Carry-over & Interest	101,000
Less City Contribution	13,221
Assessed to District	\$113,718

*Includes Assessment District Management Fee of \$8,331.

The annual assessment for Fiscal Year 1992 will be approximately \$8.25 per dwelling unit, as compared to \$7.82 for Fiscal Year 1991. The increase in the assessments reflects minor increases in the contractual maintenance and incidental costs.

FILE LOCATION: STRT M-238

COUNCIL ACTION: (Tape location: A105-125.)

Hearing began at 10:51 a.m. and halted at 10:52 a.m.

MOTION BY ROBERTS TO ADOPT ITEMS-330 THROUGH -335 AND -S500, AMENDING ITEM-333 TO MODIFY PARAGRAPH 3 OF THE ENGINEER'S REPORT TO REFLECT A TOTAL ASSESSMENT OF \$64,226.00 INSTEAD OF \$73,006.00. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-332: (R-91-1953) ADOPTED AS RESOLUTION R-278283

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Tierrasanta Landscape and Lighting Maintenance District.

(Tierrasanta Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Tierrasanta Landscape and Lighting Maintenance District. The district provides for the maintenance of open space, center islands, and street lighting and street light and street name standards. The Fiscal Year 1992 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$289,000
Personnel	44,894
Utilities	68,300
Incidentals	44,530*
Total Expenses	\$446,724
Reserve	48,000
Total	\$494,724
Less Carry-over & Interest	94,000
Less City Contribution	39,081
Assessed to District	\$361,643

*Includes Assessment District Management Fee of \$25,292.

The proposed assessment for Fiscal Year 1992 will be \$37.90 for a residential unit compared to \$34.78 for Fiscal Year 1991. The reason for the increase is due to a new area, Tierrasanta Norte, coming on line for Fiscal Year 1992.

FILE LOCATION: STRT M-239

COUNCIL ACTION: (Tape location: A105-125.)

Hearing began at 10:51 a.m. and halted at 10:52 a.m.

MOTION BY ROBERTS TO ADOPT ITEMS-330 THROUGH -335 AND S500, AMENDING ITEM-333 TO MODIFY PARAGRAPH 3 OF THE ENGINEER'S REPORT TO REFLECT A TOTAL ASSESSMENT OF \$64,226.00 INSTEAD OF \$73,006.00. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

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ITEM-333: (R-91-1956) ADOPTED AS AMENDED AS RESOLUTION
R-278284

Considering the protests, approving the annexation of a new Subdistrict 8 to the District, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Mid-City Landscape and Lighting Maintenance District.

(Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for nine subdistricts in the Mid-City Landscape and Lighting Maintenance District. The Fiscal Year 1992 proposed total assessments for the district are as follows:

Contractual Maintenance	\$ 48,512
Personnel	18,415
Utilities	5,790
Incidentals	23,883*
Total Expenses	\$ 96,600
Reserve	7,239
Total	\$103,839
Less Carry-over & Interest	29,000
Less City Contribution	1,833
Assessed to District	\$ 73,006

*Includes Assessment District Management Fee of \$5,470.

The assessments per frontage foot for each subdistrict is tabulated below:

	1	2	3	4	5	6	7	8	9
FY '92	7.65	2.61	13.24	3.84	5.13	14.37	6.77	5.48	1.47
FY '91	8.15	2.25	11.47	5.71	3.62	9.41	5.60	0	1.42
Increase (.50)	.36	1.77	(1.87)	1.51	4.96	1.17	5.48	.05	

The changes in assessments are due to, in subdistrict: 1) decrease in contractual maintenance, 2) first full year of maintenance, 3) increase in contractual maintenance, 4) tree maintenance not required in FY '92, 5) increase in contractual maintenance, 6) less carry-over funds available from previous year, 7) first full year of maintenance, 8) new subdistrict to be annexed in FY '92, and in subdistrict, 9) no significant change.

FILE LOCATION: STRT M-236

COUNCIL ACTION: (Tape location: A105-125.)

Hearing began at 10:51 a.m. and halted at 10:52 a.m.

MOTION BY ROBERTS TO ADOPT ITEMS-330 THROUGH -335 AND S500, AMENDING ITEM-333 TO MODIFY PARAGRAPH 3 OF THE ENGINEER'S REPORT TO REFLECT A TOTAL ASSESSMENT OF \$64,226.00 INSTEAD OF \$73,006.00. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-334: (R-91-1959) ADOPTED AS RESOLUTION R-278285

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Gaslamp Quarter Landscape and Lighting Maintenance District.

(Centre City Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Gaslamp Quarter Landscape and Lighting Maintenance District. The district provides tree maintenance, sidewalk cleaning trash removal and litter control. The Fiscal Year 1992 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 41,500
Personnel	231,875
Utilities	46,200
Incidentals	134,239*
Total Expenses	\$453,814
Reserve	54,582
Total	\$508,396
Less Carry-over & Interest	173,400
Less City Contribution	13,000
Assessed to District	\$321,996

*Includes Assessment District Management Fee of \$25,505.

The annual assessment for Fiscal Year 1992 will be \$321,996 compared to \$302,996, the amount assessed for Fiscal Year 1991. The assessment increase is due to an increase in City overhead costs and less carry-over funds, from the prior year. The unit assessments in this district vary depending on the degree of service and number of stories for the building on the parcel, thus ranging from \$5.30 to \$28.60 per linear foot of parcel frontage.

FILE LOCATION: STRT M-235

COUNCIL ACTION: (Tape location: A105-125.)

Hearing began at 10:51 a.m. and halted at 10:52 a.m.

MOTION BY ROBERTS TO ADOPT ITEMS-330 THROUGH -335 AND S500, AMENDING ITEM-333 TO MODIFY PARAGRAPH 3 OF THE ENGINEER'S REPORT TO REFLECT A TOTAL ASSESSMENT OF \$64,226.00 INSTEAD OF \$73,006.00. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-335:

(Continued from the meetings of May 14, 1991, Item 330, and June 11, 1991, Item 333; last continued at the City Manager's request, due to a noticing problem.)

Two actions relative to Fairmount Avenue (Ridge View Drive to Home Avenue) Underground Utility District: (Mid-City Community Area. District-3.)

Subitem-A: (R-91-1675) ADOPTED AS RESOLUTION R-278286

Establishing the Fairmount Avenue (Ridge View Drive to Home Avenue) Underground Utility District.

Subitem-B: (R-91-1676) ADOPTED AS RESOLUTION R-278287

Authorizing the expenditure of an amount not to exceed \$29,000 from CIP-37-028, Gas Tax Fund 32191, for the purpose of administering the Underground Utility District, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Fairmount Avenue between Ridge View Drive and Home Avenue. This is a scheduled project in the Calendar Year 1992 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case-8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the

undergrounding work approaches completion.
Aud. Cert. 9100742.

FILE LOCATION: STRT K-197

COUNCIL ACTION: (Tape location: A105-125.)

Hearing began at 10:51 a.m. and halted at 10:52 a.m.

MOTION BY ROBERTS TO ADOPT ITEMS-330 THROUGH -335 AND S500, AMENDING ITEM-333 TO MODIFY PARAGRAPH 3 OF THE ENGINEER'S REPORT TO REFLECT A TOTAL ASSESSMENT OF \$64,226.00 INSTEAD OF \$73,006.00. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-336:

(Continued from the meeting of June 25, 1991, Item 333, at the City Manager's request, to allow the Planning Department more time.)

1) Request for a Carmel Valley Planned Development Permit (formerly North City West) and Tentative Map (Del Mar View) proposing to subdivide 5.06 acres into 21 lots and to construct 21 single-family homes. The lots range from 5,728 square feet to 12,927 square feet in area. The homes are proposed to be developed in accordance with the SF1-A Zone Development Standards and the Carmel Valley Precise Plan Design Element. The subject property, a 5.06-acre site, is located to the north of the future extension of Lansdale Drive, between Wyngate Point and Del Mar Heights Road, in Zone SF1-A (Single-Family Residential), in the Carmel Valley (formerly North City West) Community Plan area, and is more particularly described as a Resubdivision of Final Map 9001 and a portion of the westerly half of the SE 1/4 of the NW 1/4 of the NE 1/4 of Section 17, Township 14 South, Range 3 West, S.B.B.M.

2) A proposal to vacate a 60-foot right-of-way for Black Mountain Road in the southern portion of the project site and an existing future street reservation in the northern portion of the site, as provided for under Section 66499.20-1/2 of the State Map Act, in conjunction with the proposed tentative map for Del Mar View (TM-90-0928). (PD/TM-90-0928. District-1.)

Subitem-A: (R-91-2019) ADOPTED AS RESOLUTION R-278288

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-90-0928 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-92-237) ADOPTED AS RESOLUTION R-278289
GRANTING PERMIT

Adoption of a Resolution granting or denying the planned development permit, with appropriate findings to support Council action.

Subitem-C: (R-92-238) ADOPTED AS RESOLUTION R-278290
GRANTING MAP

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-D: (R-91-2018) ADOPTED AS RESOLUTION R-278291

Adoption of a Resolution authorizing the vacation of a portion of Black Mountain Road and a street reservation with related slope easement as provided for under Section 66499.20-1/2 of the State Map Act.

CITY MANAGER SUPPORTING INFORMATION: The subject vacation has been initiated by the submission of the tentative map for Del Mar View (TM-90-0928). The tentative map proposes subdivision of 5.06 acres into 21 lots for single-family units. Development of the site will be controlled under the related Carmel Valley Planned Development Permit PD-90-0928.

The proposed vacation is located in the Carmel Valley (North City West) community and is situated in the SF1-A Zone. The areas-of-vacation total approximately 39,600 square feet, which is included in the 5.06 acres proposed for subdivision. The Carmel Valley Community Planning Board and the Planning Department have no objections to the proposed vacation. The Planning Commission recommended approval of the Development Permit, Tentative Map, and Street Vacation on April 4, 1991, by a 4-0 vote.

Black Mountain Road is partially improved with pavement and will be ultimately replaced by Lansdale Drive. The proposed tentative map will provide temporary improvements connecting existing

Lansdale Drive, proposed Street "B" within the tentative map, and Black Mountain Road to Del Mar Heights Road. Black Mountain Road also contains public and franchise facilities which are to be relocated. Easements will be provided, as necessary, as part of the final map. The street reservation and associated slope easement were provided in 1978 for a future roadway which is no longer proposed. Recent subdivision to the west and north and future development proposals to the east do not and will not utilize the street reservation for circulation or access.

FINDINGS: Staff review has indicated that the vacation is consistent with the General Plan, the Community Plan, and Council Policy 600-15. The approval of the final map for Del Mar View, along with the existing and future developments, establish that there will be no present or prospective public use and that the vacation will not detrimentally affect facilities for which the rights-of-way were originally acquired.

The public will benefit from the vacation through better utilization of land made available by the vacation, and through upgrades to the street system. Staff further recommends that the vacation be conditioned upon the approval of the final maps for Del Mar View (TM-90-0928).

FILE LOCATION: Subitem-A,B: PERM - CVPDP 90-0928;
Subitem-C: SUBD - Del Mar View;
Subitem-D: DEED F-5623 STRT - J-2762
DEEDFY92-1

COUNCIL ACTION: (Tape location: A128-167.)

Hearing began at 10:52 a.m. and halted at 10:56 a.m.
MOTION BY WOLFSHEIMER TO MOVE APPROVAL SUBJECT TO THE
CONDITION THAT ANY UPDATE OF THE FBA BE COMPLIED WITH.
Second by Behr. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Behr-yea, Henderson-not present, McCarty-not present,
Filner-not present, Mayor O'Connor-yea.

ITEM-337:

Appeal of Jim Eisen, et al., for a hearing of an appeal from the decision of the Planning Commission in granting Coastal Development Permit CDP-89-1148 for the demolition of an existing garage and studio unit, the remodel and addition of a 630-square-foot second story to an existing single-family home (445 Sea Lane) and the construction of two new single-family two-story

homes. The proposed residences are each approximately 3,600 square feet in floor area. The subject property, a 0.41-acre site, is located at 445 Sea Lane on the southeast corner of Olivetas Avenue and Sea Lane, and 7237 and 7239 Olivetas Avenue, west of La Jolla Boulevard and north of Dunemere Drive and is more particularly described as Parcels 1, 2 and 3, Map No. 15890 in the R-1-5000 (Single-Family Residential-minimum lot size of 5,000 square feet) zoned site in the La Jolla Community Plan area.

(CDP-89-1148. District-1.)

Subitem-A: (R-91-) FILED

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-89-1148 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-91-) DEEMED DENIED

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM-CDP-89-1148

COUNCIL ACTION: (Tape location: C375-D558.)

Hearing began 3:16 p.m. and halted 4:07 p.m.

Testimony in favor by Majorie McNair, James Eisen, Tony Ciani, Alice Barry, Gloria Lynch.

Testimony in oppositon by Robert Eikel, Lynne Heidel, Tom Galligan, Jim Kelley-Markham, Dick Smith, Winnie Klausen, Bob O'Neill, Lawrence Anderson, Amy Emmet, Mary Smith, S. S. Williams, Phillip James.

MOTION BY WOLFSHEIMER TO GRANT THE APPEAL AND OPPOSE THE PROJECT. Second by Hartley. Failed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-not present, Filner-nay, Mayor O'Connor-ineligible. Due to lack of five votes, the decision of the lower body stands.

ITEM-338:

(Continued from the meeting of June 25, 1991, Item 335,
at Councilmember Henderson's request, for additional
time to work with the community.)

Matter of the request of PacTel Cellular for a
Conditional Use Permit CUP-90-0614 for the operation
and expansion of an unmanned remote-controlled
communications facility. The subject property is
located at 9565 Yolanda Avenue between Mission Village
Drive and I-15 and is more particularly described as a
portion of Lot 42 of Map-348 in the R1-40,000 Zone in
the Serra Mesa Community Plan area.

(CUP-90-0614. District-6.)

Subitem-A: (R-92-239) ADOPTED AS RESOLUTION R-278294

Adoption of a Resolution certifying that the
information contained in Environmental Negative
Declaration END-90-0614 has been completed in
compliance with the California Environmental Quality
Act of 1970 and State guidelines, and that said
declaration has been reviewed and considered by the
Council.

Subitem-B: (R-92-240) GRANT THE CUP PERMIT, ADOPTED AS
RESOLUTION R-278295

Adoption of a Resolution granting or denying the CUP
permit with appropriate findings to support Council
action.

FILE LOCATION: PERM-CUP-90-0614

COUNCIL ACTION: (Tape location: D565-E186.)

Hearing began 4:09 p.m. and halted 4:25 p.m.

Testimony in favor by Julie Huddle.

Testimony in opposition by Charles and Valerie Gerlach.

MOTION BY HENDERSON TO GRANT THE CUP PERMIT AND TO REQUEST
STAFF FOLLOW UP ON THE CONCERNS OF CHARLES GERLACH
CONCERNING THE SAFETY AND CONSTRUCTION OF THE EXISTING
TELEPHONE POLES. Second by Behr. Passed by the following
vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea,

Pratt-not present, Behr-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-339: (R-91-2271) ADOPTED AS RESOLUTION R-278296

Authorizing the execution of a Cooperative Agreement No. 11-8153 with the State of California, Department of Transportation (CalTrans), to fund a portion of the right-of-way capital and support costs for the construction of State Route 56 from Interstate 5 to Carmel Country Road.

(Carmel Valley (North City West), Sorrento Hills Community Areas. District-1.)

CITY MANAGER SUPPORTING INFORMATION: State Route 56 will be a freeway connection between Interstate 5 and Interstate 15 in the northern part of the City of San Diego. In May 1990 the City Council certified the Environmental Impact Report (EIR) for the western portion of State Route 56 and the Carmel Valley Restoration and Enhancement Project (CVREP). The project was heard and approved by the California State Coastal Commission in September 1990. State Route 56 is compatible with the City's General Plan, the Carmel Valley (North City West) Community Plan and the Local Coastal Program. This Cooperative Agreement will commit the City to funding its portion of the right-of-way capital and support costs of the project, from Interstate 5 to 0.6 miles east of Carmel Country Road.

NOTE: See Item 340 for a companion item.

FILE LOCATION: MEET CONT FY 92-1

COUNCIL ACTION: (Tape location: E188-508.)

Hearing began 4:25 p.m. and halted 4:46 p.m.

Testimony in opposition by David Hooper, Lee Klausen, Jerry Mailhot.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 339 AND 340 AND DIRECT STAFF TO INCLUDE THAT THIS AGREEMENT DOES NOT SUPERSEDE THE CITY OF SAN DIEGO AND THE STATE OF CALIFORNIA M.O.U. OF JULY 2, 1990 TO THE COOPERATIVE AGREEMENT WITH CALTRANS, UNDER THE RECITAL SECTION ON PAGE ONE OF THE CONTRACT, SECTION THREE. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-340: (R-91-2272) ADOPTED AS RESOLUTION R-278297

Authorizing the execution of a Freeway Agreement with the State of California, Department of Transportation (CalTrans) for the construction of State Route 56 (West) from 0.3 mile east of Interstate 5 to 0.6 mile east of Carmel Country Road; authorizing the City Manager to enter into Cooperative Agreement No. 11-0444 with the State of California, Department of Transportation and the San Diego Association of Governments (SANDAG), to fund the construction of State Route 56 (West) and the Carmel Valley Restoration and Enhancement Project (CVREP); authorizing the City Manager to enter into a Cooperative Agreement with the San Diego Association of Governments (SANDAG) to advance funds for the purchase of right-of-way for State Route 56 (West).

(See City Manager Report CMR-91-311. Carmel Valley Community Area. District-1.)

NOTE: See Item 339 for a companion item.

FILE LOCATION: MEET CONT FY 92-1

COUNCIL ACTION: (Tape location: E188-508.)

Hearing began 4:25 p.m. and halted 4:46 p.m.

Testimony in opposition by David Hooper, Lee Klausen, Jerry Mailhot.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 339 AND 340 AND DIRECT STAFF TO INCLUDE THAT THIS AGREEMENT DOES NOT SUPERSEDE THE CITY OF SAN DIEGO AND THE STATE OF CALIFORNIA M.O.U. OF JULY 2, 1990 TO THE COOPERATIVE AGREEMENT WITH CALTRANS, UNDER THE RECITAL SECTION ON PAGE ONE OF THE CONTRACT, SECTION THREE. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

* ITEM-S401: (R-91-2297) CONTINUED TO JULY 15, 1991

Authorizing the execution of a Purchase Option Agreement and Joint Escrow Instructions with Park Terrace Partners for the purchase of a site and common

area parking for the relocation of the Rancho Bernardo Branch Library; adding CIP-37-443.0, Rancho Bernardo Branch Library - Relocation, to the Fiscal Year 1992 Capital Improvements Program;

authorizing the Auditor and Comptroller to transfer \$30,100 from CIP-90-245.0, Unallocated Reserve Capital Outlay Fund 30245 to CIP-37-443.0, Rancho Bernardo Branch Library - Relocation; authorizing the expenditure of an amount not to exceed \$30,100 from CIP-37-443.0, Rancho Bernardo Branch Library - Relocation, consisting of a \$100 consideration for the option, \$25,000 to exercise the option if the City's application for California Library Construction & Renovation Bond Acts funds is approved, and \$5,000 for miscellaneous related costs; authorizing the City Manager to earmark the proceeds from the future sale of the existing library for funding of the new library.

(See City Manager Report CMR-91-319. Rancho Bernardo Community Area. District-5.)

Aud. Cert. 9200018.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B095-101.)

MOTION BY BEHR TO CONTINUE TO JULY 15, 1991 AT THE REQUEST OF THE CITY MANAGER TO FINALIZE THE LANGUAGE IN THE NEWLY EXECUTED AGREEMENT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-S402: (R-91-2194 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-278300

(Continued from the meeting of July 1, 1991, Item 118, at Mayor O'Connor's request, for further review.)

Rescinding Resolution R-275418, adopted April 2, 1990, authorizing an agreement with Episcopal Community Services, Inc., for the operation of the Neil Good Day Center;

authorizing the execution of an agreement with Alpha Project for the Homeless to operate the Neil Good Day

Center for a one year period; authorizing the City Auditor and Comptroller to accept a contribution from the County of San Diego in the amount of \$19,250 to be deposited in Fund 19620 for the purpose of supplementing the funding required to operate the Neil Good Day Center; authorizing the City Auditor and Comptroller to expend an additional amount not to exceed \$30,645 beyond the \$125,000 expenditure previously authorized by Resolution R-275416, adopted on April 2, 1990, from Fund 19620 for the operation of the Neil Good Day Center.
(District-2.)

CITY MANAGER SUPPORTING INFORMATION: The Regional Task Force on the Homeless in their publication "Directions" recommended that a day center be opened in the downtown San Diego Area that would afford homeless individuals a chance to shower, wash clothes, pick up mail etc., as well as offer a place where they could get off the streets during the day time hours. To that end the City, County, CCDC, Port District and the private sector raised funds to construct the Neil Good Day Center. The Center will be ready for occupancy by mid July of this year and it is anticipated that it will serve 200 individuals per day. In the latter part of 1989, an RFP was issued soliciting an operator for the Center.

A selection committee was formed and recommended Episcopal Community Services (ECS) be awarded the contract for the Day Center's operation; however, the committee also recommended that if for some reason ECS chose not to operate the Center that Alpha Project for the Homeless be considered for the Center's management. On April 2, 1990 the City entered into an Agreement with ECS to operate the center. ECS, in a letter dated May 14, 1991, informed the City that for financial reasons they would not be able to manage the Day Center. Staff contacted Alpha Project to determine if they were still interested in operating the Center. They indicated they were willing to manage the facility for \$125,000, the amount specified in the RFP. It is recommended that Council direct staff to negotiate and enter into an agreement with Alpha Project for the Center's operation.

Aud. Cert. 9100947.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B104-623.)

Motion by Filner to authorize the execution of an agreement with Alpha Project to manage the Neil Good Day Center.
Second by Wolfsheimer. No vote.

MOTION BY HENDERSON TO ADOPT AS AMENDED BY OPENING THE PROCESS FOR RFP'S. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Pratt-nay, Behr-yea, Henderson-yea, McCarty-not present, Filner-nay, Mayor O'Connor-yea.

ITEM-S404: (R-91-) CONTINUED TO JULY 30, 1991

(Continued from the meeting of June 24, 1991, Item 208; Trailed as Unfinished Business, from July 2, 1991, Item S409, for full Council.)

Levying an annual assessment within the La Jolla Business Improvement District for July 1, 1991 through June 30, 1992.

(La Jolla Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Business Improvement Districts (BIDs) are authorized by State law to assess benefitted businesses for the cost of certain improvement activities. These activities are generally promotional in nature. Once a BID is established, the City collects the assessments and disburses them to an appropriate entity representing the district pursuant to an annual operating agreement. There are currently 11 active districts in the City of San Diego: Adams Avenue, City Heights, Downtown, El Cajon Blvd.-Gateway, El Cajon Blvd. Central, Gaslamp, Hillcrest, La Jolla, Mission Hills, North Park and Ocean Beach. State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments.

Today's action is the public hearing to levy the proposed assessment for each BID for FY 1992. Pursuant to Section 36530 of the State law regulating Business Improvement Districts (BID's), the Gaslamp Quarter Merchants Association recommends that the assessments in the Gaslamp District for the next fiscal year be increased by 100%. These funds will be used to seed a security/goodwill ambassador program. A separate Council action is being prepared to be noticed to all Gaslamp merchants to amend the Gaslamp District Ordinance to reflect the proposed change.

NOTE: See Item S405 for a companion item.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C021-368.)

Hearing began 2:49 p.m. and halted 3:16 p.m.

MOTION BY WOLFSHEIMER TO CONTINUE TO JULY 30, 1991 IN ORDER FOR THE HEARING TO BE HELD. THE ASSESSMENTS WILL BE HELD IN ABEYANCE UNTIL THE RESULTS OF THE ELECTION ARE KNOWN. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-S405:

(Trailed as Unfinished Business from the meeting of July 1, 1991, Item S416, for full Council.)

Two actions relative to the disestablishment of the La Jolla Business Improvement District (BID):

(District-1.)

Subitem-A: (R-91-2284) ADOPTED AS RESOLUTION R-278298

Adopting the procedure which shall be used to consider the matter of disestablishment of the La Jolla BID.

Subitem-B: (R-91-2293) ADOPTED AS RESOLUTION R-278299

Resolution of Intention to disestablish the La Jolla BID and directing the City Clerk to set the matter for a public hearing on July 30, 1991 at 2:00 p.m.; accepting the proposal to dispose of any remaining assets of the La Jolla BID should the Council vote to disestablish the BID on July 30, 1991.

NOTE: See Item S404 for a companion item.

FILE LOCATION: STRT L-2

COUNCIL ACTION: (Tape location: C021-368.)

MOTION BY WOLFSHEIMER TO ADOPT AND DIRECT STAFF TO SET UP AN ELECTION TO BE ADMINISTERED BY THE CITY USING MAIL-IN VOTES AND NOT TO MAIL OUT ANY BILLS TO BUSINESSES IN THIS DISTRICT UNTIL AFTER THE HEARING ON JULY 30, 1991 SHOULD THE VOTE INDICATE KEEPING THE ASSESSMENTS. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-nay, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: (R-91-2296) ADOPTED AS RESOLUTION R-278292

Approving the issuance of tax exempt Certificates of Participation for construction of an approximately 200-unit Misdemeanor Pre-arraignment Detention Facility; authorizing the City Manager or his designee to execute the following documents in connection with the issuance of Certificates of Participation:

1. Assignment by the City of Certain Moneys to be received from County under the Ground Lease.
2. Notice to and Consent of City to Assignments.
3. Deed of Trust from the City.
4. General Certificate of the City.
5. Arbitrage and Tax Certificate of the City.
6. Form 8038G, duly executed by the City, with evidence of filing.
7. Investment Instructions pursuant to Section 4.02 of the Trust Agreement.

CITY MANAGER SUPPORTING INFORMATION: In connection with Wackenhut Corporation obtaining financing for the construction of the Misdemeanor Pre-arraignment Detention Facility, we are providing these documents for information and approval. Council approval is necessary to complete the City's tax exempt financing for Certificates of Participation. Financing of this project through the exempt Certificates of Participation will result in substantial savings to the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A105-125.)

Hearing began at 10:51 a.m. and halted at 10:52 a.m.

MOTION BY ROBERTS TO ADOPT ITEMS-330 THROUGH -335 AND -S500, AMENDING ITEM-333 TO MODIFY PARAGRAPH 3 OF THE ENGINEER'S REPORT TO REFLECT A TOTAL ASSESSMENT OF \$64,226.00 INSTEAD OF \$73,006.00. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-CS-1: (R-92-18) ADOPTED AS RESOLUTION R-278293

A Resolution adopted by the City Council in Closed Session on July 9, 1991:

Authorizing the City Manager to pay the sum of \$30,423.39 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage to the residence of Dr. Allen Johnson;

authorizing the City Auditor and Comptroller to issue one check in the amount of \$30,423.39, made payable to Luth and Turley, Inc., in full settlement of all claims.

Aud.Cert. 9101001.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

ITEM-PC-2: REFERRED TO CITY CLERK

Questions relating to Permanent Rules of Council,
Section 22.0101 of the San Diego Municipal Code.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A168-195.)

ITEM-PC-3:

Comment by Alan Herridge regarding finances.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E542.)

ADJOURNMENT:

The meeting was adjourned in honor of the memory of
Gertride Gilpin by Deputy Mayor Filner at 4:51 p.m.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E590.)